

Community Gardens Program 2013 Rules and Regulations

I. Overview

San José Community Gardens are intended to be beautiful, safe, and peaceful oases amidst the fast-paced life of Silicon Valley. The following set of rules and regulations have been designed for the following reasons:

- To ensure that community gardens are safe
- To ensure that community gardens are pleasant places to be and to look at: for gardeners, neighbors and the general public
- To establish fairness and equity among community gardeners
- To prevent damage to the land and groundwater
- To protect the future of community gardens in San José

As in any group endeavor, individuals must give up some of their individuality to accommodate the function of the group. Community gardening is no exception.

The Rules and Regulations are reviewed and revised annually in an ongoing effort to improve and keep them relevant to changing conditions. If you have suggestions or concerns, please call the Community Gardens Program office at 793-4165. However, unless official changes are made, you must abide by these rules and regulations as they are currently written. Failure to do so may result in the termination of gardening privileges.

II. Who can participate in the San José Community Gardens Program?

Anyone age 18 or older who lives in the City of San Jose may participate in the San Jose Community Gardens Program.

III. Plot Allocation, Registration and Fees

1. One garden plot per residence. The Community Gardens Program uses the following guidelines to ensure that this rule is applied uniformly:
 - A primary gardener and/or gardener helper may not garden more than one garden plot
 - A primary gardener may be defined as an individual, Husband/Wife, domestic partners or an entity having sole interest in the plot

- A primary gardener may choose to have a garden helper noted on the registration form to help maintain the plot in the gardener's absence due to a family emergency, illness or injury, vacation or other unforeseen circumstance
 - The Primary gardener and their helper, who have entered into a current and valid agreement with the City, shall be referred to as a "plotholder" in these rules
2. The person whose signature appears as the Primary Gardener on the Registration Form is ultimately responsible for the maintenance of the entire garden plot and for payment of all fees and charges.
 3. The Primary Gardener is required to inform the Program Coordinator of any changes to his/her contact information, including home address and telephone number, including the primary gardener's helper's contact information. Failure to provide current contact information for both the primary gardener and helper may result in termination from the Community Gardens Program.
 4. Garden plots are issued on a year-to-year basis from February 1 – January 31.
 5. The City may, in its discretion, enter into a new agreement with a Primary Gardener in good standing provided that the annual registration form is completely filled out and signed, and all appropriate fees are paid by the due date of January 31.
 6. Primary Gardeners desiring to continue using the plot are required to complete the Community Garden Registration/Agreement Form and pay their annual registration fee by the registration deadline of January 31. Those who do not meet the registration/agreement deadline will automatically lose the assigned plot and the assigned plot will be reassigned to a new gardener.
 7. During registration, current and new gardeners may be required to provide proof of residency in the form of a photo I.D. and a copy of a utility bill. Other forms of proof are subject to approval by the City or the Volunteer Management Team.
 8. If there are no vacant garden plots, prospective gardeners may add their name to the community garden waiting list by contacting the Community Gardens Coordinator (See section IX, page 8 of these Rules & Regulations for contact information) and they will be contacted—in the order on the waiting list—when garden plots become available.
 9. Plotholders who do not intend to continue gardening the plot for any reason should promptly notify someone on the Volunteer Garden Management Team either verbally or in writing so that the plot may be reassigned to the next person on the waiting list.
 10. Plotholders do not have any ownership interest in the plots and may not transfer a plot to anyone else, including a family member. The transfer of a plot will only be allowed between a husband and wife or domestic partners. Garden plots that become available will be re-assigned to new gardeners by the City's Community Gardens Program Coordinator.
 11. New plotholders are required to complete the Community Garden Registration/Agreement Form and pay the total annual registration fee before they can begin gardening.
 12. Full Payment of the annual registration fee is to be made by check or money order, payable to the garden.
Cash is not accepted.
 13. The annual registration fee is non-refundable unless proof of a family or medical emergency is provided to the City and reasonable notification is given. Refunds will be pro-rated with respect to the Period of Approval in the Registration/Agreement form.
 14. Gardeners who sign-up after the registration period may have their registration fee prorated

15. The annual registration fee includes a water, administrative and operational fee. The operational fee, which may include a key deposit, pest control and/or tools, is determined by the Volunteer Garden Management Team.
16. The water fee is determined by the Program Coordinator. The fee is calculated by using this formula; cost per square foot multiplied by the size of the garden plot (square feet) equals the water fee. The cost per square foot is determined by monitoring the gardens total annual water usage and the local water company's current rates.
17. Four (4) ADA accessible garden plots are available at Guadalupe Community Garden. Individuals with a disability will have priority in renting any of the four ADA accessible garden plots. If any of these four ADA garden plots are not occupied, those plots may be assigned by the City on a temporary basis to the general public. Please note: Any ADA plot temporarily assigned to the general public must be relinquished at the end of the current growing season or at the end of the registration year once a qualified ADA person is interested in the plot.

The definition of disability will be in accordance with the **Americans with Disabilities Act** (ADA) of 1990, Title 42, Chapter 126 or under California law.

IV. Gardening Guidelines

A. ORGANIC GARDENING

The Community Gardens Program adheres strictly to the gardening principles, concepts, and practices popularly called "organic." The use of pesticides, herbicides, chemical fertilizers, or other such substances or practices inconsistent with organic gardening are prohibited and may result in the immediate termination of your Agreement. *(Please refer to the "Garden Product Policy Guidelines" Section VIII, page 8 of these Rules and Regulations for more information.)*

B. PLANTING SCHEDULE

1. Garden plots must be planted and maintained year-round.
2. Summer gardens must be planted by May 31st.
3. Remains of summer gardens must be removed by December 1st.
4. To prevent the spread of rust, garlic is to be planted in November and harvested by May. When garlic is left in the ground for too long, it is possible for rust to form on the garlic and then spread to other gardeners' plots.
5. Plotholders who do not actively garden during the winter either have to plant a cover crop, cover their plot with plastic or maintain their plot free of weeds.

C. PLANTING GUIDELINES

1. Plotholders may grow vegetables, fruits, herbs and flowers in their plot.
2. Plotholders may grow woody perennials, such as grapes and berries, trees, including fruit trees or any plants considered invasive, such as bamboo or mint, as long as it is in an above ground mobile container, planter, etc... Woody perennials such as grapes and berries, invasive plants, such as bamboo or mint and trees already existing in the garden plot must be removed by the gardener. Existing fruit trees planted in the garden plot may be left in place so long as the harvest is shared amongst all the current gardeners.

3. Crops should be rotated.
4. Crops must be harvested and not left on the ground to rot and go to waste.
5. Plotholders should grow a variety of plants and should never grow less than two types of plants at any one time.
6. The Volunteer Management Team must approve planting of water-intensive crops such as taro and sugar cane. Growing of rice is prohibited.
7. Respect the need of your neighbors' plants for sunlight. Do not plant tall crops, including those plants in above ground containers, in a way that will cause excessive shading to nearby plots.
8. All plants, planters, planter boxes and trellises must be placed inside plot perimeter. Plants may not over hang into the walk way. The City or the Volunteer Management Team has the right to trim excess plants over hanging into the walkway without prior notification.
9. Trellises or arbors may not be more than 6 feet high, may not shade neighbors plot and may not be installed permanently.

V. Plotholder Responsibilities

1. Plotholders are responsible for the year-round maintenance of their garden plots and the surrounding pathways. Plots and pathways must be kept free of weeds, trash and other debris at all times.
2. Common areas are maintained as a shared responsibility by all plotholders. Such maintenance will occur at garden cleanups scheduled by the Volunteer Garden Management Team and/or on an ongoing basis.
3. Plotholders are required to attend scheduled garden cleanups or make alternative arrangements with the Volunteer Garden Management Team to assist in the maintenance of the garden.
4. Plotholders are required to attend at least two garden meetings per year. If you are unable to attend a meeting, you are required to contact the Volunteer Management Team.
5. Plotholders must be involved in the hands-on cultivation of their plots.
6. Plotholders may not pay for someone else to garden their plot.
7. In the event of a family emergency, illness or injury, vacation, or other unforeseen circumstance, and if the plotholder's gardener helper is unavailable, the plotholder may arrange for another gardener to tend the garden plot but must notify the Volunteer Garden Management Team and provide the name of the other gardener, who already has a signed current and valid Community Gardens Registration/Agreement on file.
8. Plotholders are required to notify the Volunteer Garden Management Team of the following: irrigation problems such as water leaks, graffiti, theft, vandalism, rule violations, pest or disease problems.
9. Primary Gardeners and/or Gardener Helpers who have signed a current and valid Community Gardens Registration/Agreement may bring no more than 2 guests (collectively) to work on the garden plot with them at any one time, provided that the Primary Gardener and/or Gardener Helper shall be responsible for supervision of such guests at all times.
10. Plotholders and their guests must comply with all rules and regulations.
11. Plotholders will be held accountable for the behavior of their guests.

VI. Violations of Community Gardens Program Rules & Regulations

The City may enforce these Rules and Regulations, and in doing so will take action, including termination of the agreement with any gardener who is in violation of these Rules and Regulations. When a gardener violates the Program Rules and Regulations, the violation may be reported to the City using the Violation Incident Report (see pg. 7 for an example) which will be issued to the gardener by the Community Garden Coordinator or a member of the Volunteer Garden Management Team.

Pllotholders shall follow all reasonable instructions from the Volunteer Garden Management Team. City may issue a written warning or termination, as reasonably determined by City based upon the facts and circumstances. If a Pllotholder believes that a warning or termination notice was issued in error, the Pllotholder should contact the City's Community Garden's Coordinator in writing by letter or email (for contact information, see section IX, page 8 of these Rules & Regulations) identifying the relevant facts and circumstances that the termination or warning should be rescinded, within 10 business days of the date of the written notice of warning or termination. The decision of the City's Community Garden Coordinator is final.

VIOLATIONS WARRANTING IMMEDIATE TERMINATION BY THE CITY

1. Theft of tools and equipment
2. Theft of produce and plants
3. Vandalism of tools, equipment and City Property, including but not limited to animals.
4. The use of foul language and offensive behavior including but not limited to threats, intimidation, violence, racial/ethnic slurs and sexual harassment.
5. The use of alcoholic beverages and illegal drugs of any kind, in any area of the City's Community Gardens
6. Receiving more than two combined written warnings from the City or Volunteer Management Team in a calendar year
7. Failure to pay registration fee by the deadline

VII. At the Community Garden

1. **Hours of Operation:** Community gardens are open from sunrise to sunset. (Cornucopia and El Jardín open at 8:30 a.m.)
2. **Behavior:** Foul language or offensive behavior is prohibited.
3. **Gates:** In general, garden gates are be kept closed and locked at all times.
4. **Cars:** Vehicles are not allowed in the garden, except in designated parking areas.
5. **Water:** The amount of water used determines future water fees. Excessive water use may result in a fine as determined by the garden manager and/or Program Coordinator. No unattended watering allowed. All gardeners are authorized to turn water off if it has been left unattended.
Under no circumstances are water timers allowed.

6. **Bathroom:** Proper bathroom facilities must be used. Urinating or defecating in the community garden is prohibited.
7. **Garbage:** Unless your garden has arranged for garbage removal, you must take any garbage you generate with you to discard elsewhere. Discarding of garbage on the ground or in compost or green waste piles is prohibited.
8. **Green Waste:** Weeds and plant material should be composted on-site or placed in the green waste collection area(s). Green waste should not be thrown away or left in the pathways.
9. **No selling:** Produce from community gardens is primarily for family consumption. Excess food can be preserved for future use, shared with friends or neighbors, or donated to local food banks. **You may not sell your produce.**
10. **Harvesting:** Harvest only from your own plot. The unauthorized taking of produce from another gardener's plot will result in the immediate revocation of your garden plot.
11. **Irrigation system:** The Volunteer Management Team must be notified of any alterations to the irrigation system and the City will have final approval of any changes. No alterations can be made to the irrigation system on Fridays, Saturdays, Sundays, or holidays because of the risk of an accident and the limited availability of City staff during these times. In the event of an irrigation emergency, you should contact your garden manager and/or the Community Gardens Program at (408) 793-4165. On weekends, please call the City of San José Call Center at (408) 535-3500. Any alterations to the MAIN irrigation line are prohibited.
12. **Tools:** Garden-owned tools are for garden use only and should be cleaned and returned to the toolshed after use. Tools must be kept locked in the toolshed overnight and should never be taken off the garden premises.
13. **Smoking:** Smoking in the community garden is prohibited.
14. **Controlled Substances:** No alcoholic beverages or illegal drugs of any kind allowed.
15. **Pests/Rodents:** The trapping and disposal of animals, including but not limited to gophers and ground squirrels, is PROHIBITED. The use of chemicals, including over-the-counter smoke bombs, to eliminate or control these animals, including but not limited to gophers and ground squirrels, is PROHIBITED. ***Any trapping and/or disposing of animals, including but not limited to ground squirrels and gophers, must be performed by a licensed professional.***
16. **Animals:** Pets are not allowed in community gardens. Feral cats can be kept at a garden for rodent control if the following guidelines are strictly followed:
 - If agreed upon by a majority of the gardeners at the garden
 - No more than 3 cats per garden
 - All cats must be neutered and immunized
 - When cat caretakers leave the garden, they must take the cats with them or make appropriate arrangements for their future care
 - Cats must be fed in an area far way from garden plots

Violation Incident Report (VIR)
(SAMPLE)

Date: _____

Time: _____

Garden Name: _____

Name of Gardener (first/last): _____ **Plot#:** _____

Description of Violation: (Brief description)

Reference: Current Community Gardens Program Rules & Regulations

Page (s): _____ **Section (s):** _____ **Paragraph (s):** _____ **Line (s):** _____

Witnesses (if applicable):

Name (first/last): _____ **Plot #:** _____

Name (first/last): _____ **Plot #:** _____

Plan of Action (if applicable):

Expected Date of Correction (if applicable):

Action Taken:

First Warning: ☐

Second/Final Warning: ☐

Garden Manager Signature: _____ Date: _____
(Or- Program Coordinator)

*** The white copy of this form must be submitted to the Program Coordinator.**

VIII. Garden Product Policy Guidelines

The use of materials or products harmful to humans is prohibited at the San Jose Community Gardens. The use of fertilizer material or tillage methods harmful to the soil's structure, fertility or microorganisms is prohibited.

	Allowed	Prohibited
PEST AND DISEASE CONTROL	<ul style="list-style-type: none"> - bacillus thuringiensis(Bt) - soap spray - Horticulture pepper/onion spray - sulfur - wood ashes - sour milk solution - lace wings - dormant oils - micro-cop or equivalent (orchard use only) - diatomaceous earth (DE) 	<ul style="list-style-type: none"> - rotenone - pyrethrum (pyrethrate, pyrethroids) - nicotine sulfate - malathion - diazinon - sevin - organophosphates - Roundup - Finale - Dursban - organ chlorides - chlorpyrifos
	Allowed	Prohibited
FERTILIZERS	<ul style="list-style-type: none"> - cotton Seed - kelp - compost - manure - blood, bone, horn, and hoof meals - liquid fish or seaweed - fertilizers classed as "organic" 	<ul style="list-style-type: none"> - ammonium sulfate - muriate of potash - superphosphates - highly soluble chemical fertilizer - Ozmicote - Non organic Miracle Grow

IX. Gardens Program Contact Information

City of San Jose's Community Gardens Program
200 E. Santa Clara Street, 9th Floor Tower
San Jose, CA 95113-1905

Phone: (408) 793-4165

Fax: (408) 292-6416

Email: community.gardens@sanjoseca.gov

Web Site: www.sjcommunitygardens.org